

REMARKS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments, and the following remarks. Claims 1-11 and 16 are in the application. Claims 1 and 7 have been amended claims 12-15 have been canceled. Claim 16 has been added. No new matter has been added.

The Examiner rejected the claims under the doctrine of obviousness-type double patenting in view of copending application No. 10/783,444. Enclosed is a copy of Applicant's express abandonment of this application, which is being filed concurrently herewith. Accordingly, Applicant submits that no terminal disclaimer is necessary in this case, and the double patenting rejection should be withdrawn.

The Examiner rejected claims 1-2 and 10-15 under 35 USC 102 as being anticipated by Grosskopf et al. Claims 1, 2, 3, 7-9 are rejected under 35 USC 102 as being anticipated by Blenke. Claims 1-2 and 4-6 are rejected under 35 USC 102(e) as being anticipated by Jackson et al. Claims 1-15 are rejected under 35 USC 103 as being unpatentable over Grosskopf in view of Blenke. Applicant respectfully traverses.

Claims 1 and 7 have been amended to recite that the invention relates to hanger labels with a zone of weakening that extends in the direction of action of the tensile forces in use, being located within the hanger strap.

Claim 1 has also been amended to recite th the zone of weakening is bordered within the film layer on both sides by unweakened material. A second film layer of reduced strength, as described in Jackson, can thus no longer be considered a zone of weakening according to amended claim 1.

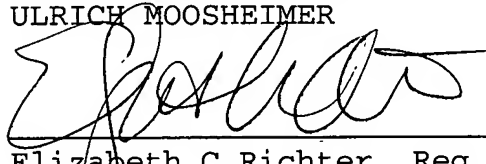
Claim 7 has been amended to be placed in independent form and to recite that the zone of weakening is a separation aid between two adjacent film layers. A second film layer of reduced strength can no longer be considered a zone of weakening accordig to claim 7.

Blenke relates to diaper closures, not to hanger labels. Regarding Jackson et al., the perforations in this disclosure are used to ease tearability: "The perforated film provides improved tearing properties, while the second film provides additional strength (see col, 1, lines 58-60) and "the perforated films . . . allow tearing . . . in substantially straight lines" (see col.

2, lines 4-5). However, while tearability is important for tape, it is not a desired feature for hanger labels.

None of the cited references teach or suggest the zone of weakening being disposed within the film layer and being bordered on both sides by unweakened areas as claimed in claim 1, nor do they teach or suggest that the zone of weakening is a separation aid between two film layers as claimed in claim 7. Accordingly, Applicant submits that claims 1-11 and 16 are patentable over the cited references, taken either singly or in combination. Early allowance of the amended and new claims is respectfully requested.

Respectfully submitted,
ULRICH MOOSHEIMER

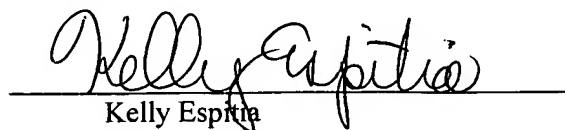


COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802
ECR:djp

Elizabeth C Richter, Reg. No. 35,103
Allison C. Collard, Reg.No.22,532
Edward R. Freedman, Reg.No.26,048
Frederick J. Dorchak, Reg.No.29,298
William C. Collard, Reg.No. 38,411
Attorneys for Applicant

Enclosure: Copy of Express Abandonment filed in
US App. S.N. 10/783,444

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 14, 2006.


Kelly Espinoza